IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

CRP.No. 323 of 2007()
{O.S.NO.243/1996 OF THE MUNSIFF COURT,
MUVATTUPUZHA}
.....

REVN. PETITIONERS/JUDGEMENT DEBTORS:

1. MATHEW KURIAKOSE, AGED 31,
BHOOTHATHANKETTU P.O.,
KOTHAMANGALAM, ERNAKULAM DIST,
REP.BY THE DULY CONSTITUTED POWER OF
ATTORNEY HOLDER SHEENA KURIAKOSE, AGED 34,
W/O.SHAJU JOSE, KOTTUVALLYIL,
NELLIMATTOM P.O.,
KOTHAMANGALAM.

2. ROSAMMA, KURIAKOSE, AGED 66, W/O.LATE
C.M.KURIAKOSE, CHERAYIL,
BHOOTHATHANKETTU P.O.,
KOTHAMANGALAM, ERNAKULAM DIST.

3. REEMA KURIAKOSE, AGED 36,
D/O.LATE C.M.KURIAKOSE, CHERAYIL,
BHOOTHATHANKETTU P.O., KOTHAMANGALAM,
ERNAKULAM DISTRICT.

4. SHEENA KURIAKOSE,
AGED 34, D/O.LATE C.M.KURIAKOSE,
CHERAYIL, BHOOTHATHANKETTU P.O.,
KOTHAMANGALAM, ERNAKULAM DIST.

BY ADV. SRI.E.M.JOSEPH

RESPONDENT: DECREE HOLDER

JOSE MATHEW, AGED 42, S/O.MATHEW,
CHERAYIL HOUSE, PINDIMANA, KOTHAMANGALAM,
ERNAKULAM DIST.

BY ADV. SRI.SOJAN JAMES

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO.986/07 IN C.R.P.NO.323/07

DISMISSED.

Sd/-
(M.N.KRISHNAN)
JUDGE

08.06.2007.

sk/-

//true copy//

P.S. To Judge.

M.N.KRISHNAN, J.

C.R.P. No.323 2007 C

Dated this the 8th day of June, 2007.

JUDGMENT

This revision petition is preferred against the order of the Munsiff, Muvattupuzha in E.P.No.161/06 in O.S.No.243/96.

2. The suit was one for specific performance of a contract and the court decreed the suit directing the defendants to execute a document with respect to B scheduled property on receipt of a consideration of Rs.45,713/- and in case of default, to approach the court for getting the document executed through court. The defendants did not execute the document and therefore, the plaintiffs have come up with an application for execution of the document.

3. In the said execution petition, the respondents had filed a counter affidavit stating that the way of plaint 'A' schedule property cannot be used for traffic due to blasting of rocks and it must be put back to the original position. Otherwise, it will cause irreparable injury to the judgment debtors. The Executing Court negatived the objection and directed the decree holder to complete the steps before

proceeding further in the matter. It is against that, the present revision petition is filed.

3. The executability of the decree is only with respect to the contents that is seen in the decree as found in the judgment and therefore, the court is only expected to carry out the directions in the decree at the execution stage.

4. Here, the decree only mandates for execution of the document on receipt of balance consideration and in the event of failure, to execute the document through court. That is the only point to be considered and decided by the court and any other objection extraneous to the decree need not be and shall not be considered by the Executing Court.

5. Therefore, the Executing Court was perfectly justified in directing the decree holder to take steps and to proceed further.

Therefore, the Civil Revision Petition lacks merit and it is dismissed.

Sd/-

(M.N.KRISHNAN)

JUDGE

sk/

//true copy//

P.S. To Judge